

# House Amendment 1176

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1 1 Amend House File 646 as follows:  
1 2 #1. By striking everything after the enacting  
1 3 clause and inserting the following:  
1 4 1 5 2003, is amended by adding the following new  
1 6 paragraph:  
1 7 NEW PARAGRAPH. f. (1) Notwithstanding the  
1 8 provisions of this section to the contrary, for a  
1 9 county with a population of one hundred eighty  
1 10 thousand or more that has adopted a charter for a  
1 11 city=county consolidated form of government or a  
1 12 community commonwealth form of government and which  
1 13 charter provides for representation by districts, the  
1 14 legislative service bureau, and not the temporary  
1 15 county redistricting commission, shall draw a first or  
1 16 second plan as necessary and required by paragraph "a"  
1 17 pursuant to a contract executed with the county. The  
1 18 plan drawn by the legislative service bureau shall be  
1 19 based upon the precinct plan adopted for use by the  
1 20 county and shall be drawn in accordance with section  
1 21 42.4, to the extent applicable.  
1 22 (2) The plan drawn by the legislative service  
1 23 bureau shall be submitted to the temporary county  
1 24 redistricting commission which shall not amend the  
1 25 plan and which shall perform the duties required by  
1 26 paragraphs "b" and "c" concerning the plan. The  
1 27 temporary county redistricting commission shall accept  
1 28 the plan in total or it may request and contract to  
1 29 have a second plan prepared by the legislative service  
1 30 bureau. In doing so, the temporary county  
1 31 redistricting commission shall state its objections to  
1 32 the first plan in writing.  
1 33 (3) After the requirements of paragraphs "b" and  
1 34 "c" have been met with respect to either a first or  
1 35 second plan, the plan drawn by the legislative service  
1 36 bureau and accepted by the temporary county  
1 37 redistricting commission shall be submitted to the  
1 38 governing body for its approval or rejection. If the  
1 39 plan drawn by the legislative service bureau and  
1 40 accepted by the temporary county redistricting  
1 41 commission is rejected by the governing body, the  
1 42 governing body may consider and accept the other plan  
1 43 submitted by the legislative service bureau to the  
1 44 temporary county redistricting commission, if any, or  
1 45 shall direct the temporary county redistricting  
1 46 commission to prepare another plan as provided by  
1 47 paragraph "d".  
1 48 Sec. 2. Section 331.231, subsection 5, Code 2003,  
1 49 is amended to read as follows:  
1 50 5. City=county consolidated form as provided in  
2 1 ~~section sections 331.247 through 331.252.~~  
2 2 Sec. 3. Section 331.232, subsection 3, Code 2003,  
2 3 is amended to read as follows:  
2 4 3. An alternative form of county government shall  
2 5 be submitted to the ~~county~~ electorate by the  
2 6 commission in the form of a charter or charter  
2 7 amendment.  
2 8 Sec. 4. Section 331.234, subsections 3 and 4, Code  
2 9 2003, are amended to read as follows:  
2 10 3. The board shall make available to the  
2 11 commission in-kind services such as office space,  
2 12 printing, supplies, and equipment ~~and.~~ The county  
2 13 shall pay from the segregated account established in  
2 14 subsection 4, the other necessary expenses of the  
2 15 commission including compensation for secretarial,  
2 16 clerical, professional, and consultant services. The  
2 17 total annual expenses, not including the value of in-  
2 18 kind expenses, to be paid from public funds shall not  
2 19 exceed one hundred thousand dollars or an amount equal  
2 20 to thirty cents times the population of the commission  
2 21 area, according to the most recent certified federal  
2 22 census. The commission may employ staff as necessary.  
2 23 4. ~~The expenses of the commission may be paid from~~  
2 24 ~~the general fund of the county shall be paid by each~~  
2 25 ~~city and county participating in the charter process~~

2 26 or from any combination of public or private funds  
2 27 available for that purpose. Each city's share shall  
2 28 be its pro rata share of the expenses based upon the  
2 29 ratio that the population of the city bears to the  
2 30 total population in the county. The county's share  
2 31 shall be its pro rata share of expenses based upon the  
2 32 ratio that the population of the unincorporated area  
2 33 of the county bears to the total population of the  
2 34 county. The amount paid by each city and county  
2 35 participating in the charter process shall be  
2 36 deposited in a segregated account maintained by the  
2 37 county. The commission's annual expenses may exceed  
2 38 the amount in subsection 3 only if the excess is paid  
2 39 from private funds. If a proposed charter is  
2 40 submitted to the electorate, private funds donated to  
2 41 the commission may be used to promote passage of the  
2 42 proposed charter.

2 43 Sec. 5. Section 331.235, Code 2003, is amended to  
2 44 read as follows:

2 45 331.235 COMMISSION PROCEDURES AND REPORTS.

2 46 1. Within sixty days after its organization, the  
2 47 commission shall hold at least one public hearing for  
2 48 the purpose of receiving information and material  
2 49 which will assist in the drafting of a charter.

2 50 Notice of the date, time, and place of the hearing

3 1 shall be given as provided in chapter 21. If the

3 2 commission is created pursuant to section 331.264,

3 3 subsection 4, the hearing shall be held thirty days

3 4 after submission of the preliminary report to the

3 5 board, pursuant to section 331.264, subsection 3.

3 6 2. Within nine months after the organization of

3 7 the commission, the commission shall submit a

3 8 preliminary report to the board, which report may

3 9 include the text of the proposed charter. If a

3 10 proposed charter is included in the preliminary

3 11 report, the report shall also include an analysis of

3 12 the fiscal impact of the proposed charter. Sufficient

3 13 copies of the report shall be made available for

3 14 distribution to residents of the county who request a

3 15 copy. The commission shall hold at least one public

3 16 hearing after submission of the preliminary report to

3 17 obtain public comment. This subsection does not apply

3 18 if the commission is created pursuant to section

3 19 331.264, subsection 4.

3 20 3. Within twenty months after organization, the

3 21 commission shall submit the final report to the board.

3 22 If the commission is created pursuant to section

3 23 331.264, subsection 4, the commission shall submit the

3 24 final report to the board within five months after

3 25 submission of the preliminary report to the board

3 26 pursuant to section 331.264, subsection 3. A

3 27 commission created pursuant to section 331.264,

3 28 subsection 4, may adopt a motion granting itself a

3 29 sixty-day extension of time for submission of its

3 30 final report. If the commission recommends a charter

3 31 including a form of government other than the existing

3 32 form of government, the final report shall include the

3 33 full text and an explanation of the proposed charter,

3 34 a statement of whether the elected officers shall be

3 35 elected on a partisan or nonpartisan basis, an

3 36 analysis of the fiscal impact of the proposed charter,

3 37 any comments deemed desirable by the commission, and

3 38 any minority reports. The final report may recommend

3 39 no change to the existing form of government and that

3 40 no charter be submitted to the electorate, in which

3 41 case, the report shall state the reasons for and

3 42 against a change in the existing form of government.

3 43 The final report shall be made available to the

3 44 residents of the county upon request. A summary of

3 45 the final report shall be published in the official

3 46 newspapers of the county and in a newspaper of general

3 47 circulation in each participating city.

3 48 4. The commission is dissolved on the date of the

3 49 ~~general~~ election at which the proposed charter is

3 50 submitted to the electorate. However, if a charter

4 1 proposing the city-county consolidated form or the

4 2 community commonwealth form is adopted, the commission

4 3 is dissolved on the date that the terms of office of

4 4 the members of the governing body for the alternative

4 5 form of government commence. If a charter is not

4 6 recommended, the commission is dissolved upon

4 7 submission of its final report to the board.  
4 8 Sec. 6. Section 331.237, subsection 1, Code 2003,  
4 9 is amended to read as follows:  
4 10 1. ~~if a~~ The board shall direct the county  
4 11 commissioner of elections to submit to the registered  
4 12 voters of the county the question of whether the  
4 13 proposed charter for county government shall be  
4 14 adopted. The proposed charter for county government  
4 15 ~~is~~ may be submitted at the general election or at a  
4 16 special election held on the day of the regular city  
4 17 election. To be submitted at the general election,  
4 18 the proposed charter must be received not less than  
4 19 five working days before the filing deadline for  
4 20 candidates for county offices specified in section  
4 21 44.4 for the next general election, the board shall  
4 22 ~~direct the county commissioner of elections to submit~~  
4 23 ~~to the registered voters of the county at the next~~  
4 24 ~~general election the question of whether the proposed~~  
4 25 ~~charter shall be adopted. A summary of the proposed~~  
4 26 ~~charter or amendment shall be published in the~~  
4 27 ~~official county newspapers and in a newspaper of~~  
4 28 ~~general circulation in each participating city, if~~  
4 29 ~~applicable, at least ten but not more than twenty days~~  
4 30 ~~before the date of the election. If a majority of the~~  
4 31 ~~votes cast on the question is in favor of the~~  
4 32 ~~proposal, the proposal is adopted.~~

4 33 Sec. 7. Section 331.237, subsection 2, paragraph  
4 34 a, Code 2003, is amended to read as follows:  
4 35 a. The adopted charter shall take effect July 1  
4 36 following the ~~general~~ election at which it is approved  
4 37 unless the charter provides a later effective date.  
4 38 If the adopted charter calls for a change in the form  
4 39 of government, officers to fill elective offices shall  
4 40 be elected in the general election in the even=  
4 41 numbered year following the adoption of the charter.  
4 42 Those county officers holding office at the time of  
4 43 the adoption of the charter shall continue in office  
4 44 until the general election in the even-numbered year  
4 45 following the adoption of the charter. If the charter  
4 46 provides that one or more elective offices are  
4 47 combined, the board of supervisors shall appoint one  
4 48 of the elective officers of the combined offices to  
4 49 serve until the general election in the even-numbered  
4 50 year. If the charter calls for the elimination of an  
5 1 elective office, that elective officer's term of  
5 2 office shall expire on the date the adopted charter  
5 3 takes effect.

5 4 Sec. 8. Section 331.237, Code 2003, is amended by  
5 5 adding the following new subsection:

5 6 NEW SUBSECTION. 4. Subsections 2 and 3 do not  
5 7 apply to the city-county consolidated form of  
5 8 government or the community commonwealth form of  
5 9 government.

5 10 Sec. 9. Section 331.238, Code 2003, is amended by  
5 11 adding the following new subsection:

5 12 NEW SUBSECTION. 4. Subsections 1 and 2 do not  
5 13 apply to the city-county consolidated form of  
5 14 government or the community commonwealth form of  
5 15 government.

5 16 Sec. 10. Section 331.244, Code 2003, is amended by  
5 17 adding the following new subsection:

5 18 NEW SUBSECTION. 3. This section does not apply to  
5 19 the city-county consolidated form of government.

5 20 Sec. 11. Section 331.247, Code 2003, is amended to  
5 21 read as follows:

5 22 331.247 CITY-COUNTY CONSOLIDATION FORM.

5 23 1. ~~A county and one or more cities within the~~  
5 24 ~~county may unite to form a single unit of local~~  
5 25 ~~government in accordance with this part. A commission~~  
5 26 ~~appointed pursuant to section 331.233A may propose a~~  
5 27 ~~charter under which a county and one or more cities~~  
5 28 ~~within the county may unite to form a single unit of~~  
5 29 ~~local government, or may propose a charter under which~~  
5 30 ~~a county and one or more cities within the county may~~  
5 31 ~~form a combined governance structure for the county~~  
5 32 ~~and such cities in accordance with this part. The~~  
5 33 ~~charter shall declare whether the form is a merger of~~  
5 34 ~~a county and one or more cities to form a single unit~~  
5 35 ~~of local government or whether the form establishes a~~  
5 36 ~~combined government structure of a county and one or~~  
5 37 ~~more cities. Either option proposed shall be referred~~

5 38 to as a city=county consolidated form of government.  
5 39 If more than fifty percent of the population of a city  
5 40 resides within the affected county, it is a city  
5 41 within the county for the purposes of this section and  
5 42 may continue its status as a city within the county  
5 43 even if the population of such city falls below the  
5 44 fifty percent threshold in a future census.

5 45 2. ~~An alternative form of government, including a~~  
5 46 ~~charter form, for a consolidated unit of government~~  
5 47 ~~may be submitted to the voters only by a commission~~  
5 48 ~~established under this chapter. A majority vote by~~  
5 49 ~~the charter commission is required for the submission~~  
5 50 ~~to the electorate of an alternative form of government~~  
6 1 ~~for a consolidated unit of local government proposed~~  
6 2 ~~charter for a city=county consolidated form of~~  
6 3 ~~government. The charter commission submitting a~~  
6 4 ~~consolidated form shall issue a final report and~~  
6 5 ~~proposal.~~

6 6 3. ~~An alternative form of government for a A city=~~  
6 7 ~~county consolidated unit of local government form of~~  
6 8 ~~government does not need to include more than one~~  
6 9 ~~city. A city shall not be included unless the city~~  
6 10 ~~participates in the commission process, and a majority~~  
6 11 ~~of the electors of the affected city voting approves~~  
6 12 ~~the proposed charter for the consolidated government.~~

6 13 4. If an alternative form of government for a  
6 14 consolidated unit of local government is proposed,  
6 15 approval of the consolidation charter shall be a  
6 16 separate ballot issue from approval of the alternative  
6 17 form of government in those cities proposed to be  
6 18 included in the consolidation. Adoption of the  
6 19 consolidation charter requires the approval of a  
6 20 majority of the votes cast in the entire county. A  
6 21 city named on the ballot is included in the  
6 22 consolidation if the proposed charter is approved by a  
6 23 majority of the votes cast in the city. The  
6 24 consolidation charter shall be effective in regard to  
6 25 a city government only if a majority of the voters of  
6 26 the city voting on the question voted for  
6 27 participation in the consolidation charter.

6 28 5. A city may request to join an existing city=  
6 29 county consolidated government by resolution of the  
6 30 city council or upon petition of eligible electors of  
6 31 the city equal in number to at least twenty=five  
6 32 percent of the persons who voted at the last general  
6 33 election for the office of governor or president of  
6 34 the United States, whichever is fewer regular city  
6 35 election. Within fifteen days after receiving a valid  
6 36 petition, the city council of the petitioning city  
6 37 shall adopt a resolution in favor of participation and  
6 38 shall immediately, within ten days of adoption,  
6 39 forward the resolution to the legislative governing  
6 40 body of the city=county consolidated government. If a  
6 41 majority of the city=county consolidated legislative  
6 42 governing body of the city=county consolidated  
6 43 government approves the resolution, the question of  
6 44 joining the city=county consolidated government shall  
6 45 be submitted to the electorate of the petitioning city  
6 46 within sixty days after approval of the resolution.

6 47 6. a. If a charter is adopted, it may be amended  
6 48 at any time by one of the following methods:  
6 49 (1) The governing body of the city=county  
6 50 consolidated form of government, by resolution, may  
7 1 submit a proposed amendment to the voters at a general  
7 2 election or at a special election, and the proposed  
7 3 amendment becomes effective upon approval by a  
7 4 majority of those voting.

7 5 (2) The governing body of the city=county  
7 6 consolidated form of government, by ordinance, may  
7 7 amend the charter. However, within thirty days  
7 8 following publication of the ordinance, if a petition  
7 9 valid under the provisions of section 331.306 is filed  
7 10 with the governing body of the city=county  
7 11 consolidated form of government, the governing body  
7 12 must submit the charter amendment to the voters at a  
7 13 special election and, in such an event, the amendment  
7 14 becomes effective only upon approval of a majority of  
7 15 those voting within the city=county consolidated area.

7 16 (3) If a petition valid under the provisions of  
7 17 section 331.306 filed with the governing body of the  
7 18 city=county consolidated form of government, proposing

7 19 an amendment to the charter, the governing body must  
7 20 submit the proposed amendment to the voters at a  
7 21 general election or at a special election and, in such  
7 22 an event, the amendment becomes effective only upon  
7 23 approval of a majority of those voting within the  
7 24 city=county consolidated area.

7 25 b. If an election is held, the governing body  
7 26 shall submit the question of amending the charter to  
7 27 the electors in substantially the following form:

7 28 Should the amendment described below be adopted for  
7 29 the city=county consolidated charter of (insert name  
7 30 of county and of each consolidated city)?

7 31 The ballot must contain a brief description and  
7 32 summary of the proposed amendment.

7 33 c. An amendment shall not adopt an alternative  
7 34 form of county government but an amendment may allow  
7 35 the governing body of a city=county consolidated form  
7 36 of government that has a combined governance structure  
7 37 to adopt a city=county consolidated form of government  
7 38 under which a county and one or more cities within the  
7 39 county unite to form a single unit of local  
7 40 government.

7 41 Sec. 12. Section 331.248, subsection 1, Code 2003,  
7 42 is amended to read as follows:

7 43 1. The charter commission proposing consolidation  
7 44 a city=county consolidated form of government shall  
7 45 prepare, adopt, and submit cause to be submitted to  
7 46 the voters a consolidation the charter including an  
7 47 alternative form of government.

7 48 Sec. 13. Section 331.248, subsection 2, Code 2003,  
7 49 is amended to read as follows:

7 50 2. The consolidation charter for a city=county  
8 1 consolidated form of government shall:

8 2 a. Provide for adjustment of existing bonded  
8 3 indebtedness and other obligations in a manner which  
8 4 will provide for a fair and equitable burden of  
8 5 taxation for debt service.

8 6 b. Provide for establishment of service areas,  
8 7 except that formation of a city=county consolidation  
8 8 government consolidated form of government shall not  
8 9 affect the assignment of electric utility service  
8 10 territories pursuant to chapter 476, and shall not  
8 11 affect the rights of a city to grant a franchise under  
8 12 chapter 364.

8 13 c. Provide for the transfer or other disposition  
8 14 of property and other rights, claims, assets, and  
8 15 franchises of local governments the county and each  
8 16 city consolidated under the alternative form.

8 17 d. Provide the official name of the city=county  
8 18 consolidated unit of local government form of  
8 19 government.

8 20 e. Provide for the transfer, reorganization,  
8 21 abolition, absorption, and adjustment of boundaries of  
8 22 all existing boards, bureaus, commissions, agencies,  
8 23 special districts, and political subdivisions of the  
8 24 city=county consolidated form of government.

8 25 f. Include other provisions which the county  
8 26 charter commission and the city charter commission  
8 27 elect to include and which are not inconsistent with  
8 28 state law. Provide for the exercise of home rule  
8 29 power and authority not inconsistent with state law.

8 30 g. Provide for a governing body of an odd number  
8 31 of members, not less than five, but which may exceed  
8 32 the number of members specified in sections 331.201,  
8 33 331.203, and 331.204. The titles of the members of  
8 34 the governing body shall be determined by the charter.

8 35 h. Provide for a representation plan for the  
8 36 governing body which representation plan may differ  
8 37 from the representation plans provided in section  
8 38 331.206 and in chapter 372. If the plan calls for  
8 39 representation by districts and the charter has been  
8 40 approved in a county whose population is one hundred  
8 41 eighty thousand or more, the plan shall be drawn  
8 42 pursuant to section 331.210A, subsection 2, paragraph  
8 43 "f". The initial representation plan for such a  
8 44 county shall be drawn as provided in section 331.210A,  
8 45 subsection 2, paragraph "f", within ninety days after  
8 46 the election at which the charter is approved. For  
8 47 the initial representation plan, the charter  
8 48 commission shall assume the role of the governing body  
8 49 for purposes of this paragraph and section 331.210A.

8 50 subsection 2, paragraphs "d" through "f".

9 1 i. Provide for the initial compensation for  
9 2 members of the governing body and for a method of  
9 3 changing the compensation.

9 4 j. Notwithstanding section 331.238, subsection 3,  
9 5 provide whether the election of its officers shall be  
9 6 on a partisan or nonpartisan basis.

9 7 Sec. 14. Section 331.248, Code 2003, is amended by  
9 8 adding the following new subsection:

9 9 NEW SUBSECTION. 4. The consolidation charter may  
9 10 include other provisions which the commission elects  
9 11 to include and which are not irreconcilable with state  
9 12 law. These provisions may include but are not limited  
9 13 to the following:

9 14 a. Provide for a method of selecting officers of  
9 15 the governing body and fixing their terms of office  
9 16 which may differ from the requirements of sections  
9 17 331.208 through 331.211 and the provisions of chapter  
9 18 372.

9 19 b. Provide for meetings of the governing body and  
9 20 rules of procedure which may differ from the  
9 21 requirements of section 331.213, except that the  
9 22 meetings shall be scheduled and conducted in  
9 23 compliance with chapter 21.

9 24 c. Provide for combining the duties of elected  
9 25 officials of the county, for eliminating elected  
9 26 offices and the assumption of the duties of those  
9 27 offices by appointed officials, and for adding to,  
9 28 deleting, or otherwise changing the duties of  
9 29 officials, elected or otherwise, of the county and  
9 30 each consolidated city.

9 31 d. Provide for the organization of city and county  
9 32 departments, agencies, or boards. The organization  
9 33 plan may provide for the abolition or consolidation of  
9 34 a department, agency, board, or commission and the  
9 35 assumption of its powers and duties by the governing  
9 36 body or by another department, agency, board, or  
9 37 commission. This paragraph does not apply to the  
9 38 board of trustees of a county hospital.

9 39 e. Provide for a method for the governing body or  
9 40 another office to exercise the powers and duties of  
9 41 the township trustees, in lieu of their election or  
9 42 appointment.

9 43 Sec. 15. Section 331.249, Code 2003, is amended to  
9 44 read as follows:

9 45 331.249 EFFECT OF CONSOLIDATION.

9 46 1. ~~a. The consolidation of one or more cities and~~  
9 47 ~~one or more counties shall create a unified government~~  
9 48 ~~which includes a municipal corporation and a county.~~

9 49 A city=county consolidated form of government under  
9 50 which a county and one or more cities within the

10 1 county unite to form a single unit of local government  
10 2 shall create a unified government which includes a

10 3 municipal corporation and a county. The consolidated  
10 4 unit shall have the separate status of a county and a

10 5 city for all purposes and shall constitute two  
10 6 political subdivisions, a consolidated city and a

10 7 county, under combined governance. The consolidated  
10 8 unit shall retain one separate constitutional debt

10 9 limitation with respect to its status as a city and a  
10 10 separate constitutional debt limitation with respect

10 11 to its status as a county.  
10 12 b. The governing body of a city=county

10 13 consolidated form of government under which a county  
10 14 and one or more cities within the county form a

10 15 combined governance structure shall have, with respect  
10 16 to the county, the power and authority of the board of

10 17 supervisors of a county, and, with respect to each  
10 18 city, the power and authority of the city council of a

10 19 city. Each consolidated city and the county  
10 20 constitute separate political subdivisions. Each

10 21 consolidated city and the county shall retain a  
10 22 separate constitutional debt limitation and shall each

10 23 have the authority to issue bonds and incur financial  
10 24 obligations in accordance with the provisions of state

10 25 law applicable to a city or a county, respectively.  
10 26 2. ~~A The city=county consolidated unit of local~~

10 27 ~~government form of government~~ may include an area  
10 28 which is located in another county, but which is

10 29 within the corporate boundaries of one of the  
10 30 consolidated cities. County services ~~shall~~ may be

10 31 provided in the extra-county area and taxes to fund  
10 32 those services ~~shall~~ may be collected in the extra=  
10 33 county area by the consolidated government, to the  
10 34 extent permitted by the Constitution of the State of  
10 35 Iowa. In addition to the right to vote in the county  
10 36 of residence, electors residing in the extra-county  
10 37 area shall have the right to vote on any matter  
10 38 related to the city-county consolidated unit of local  
10 39 form of government, including election of its  
10 40 officials governing body.

10 41 If a city-county consolidation charter is proposed,  
10 42 within ninety days following the final report of the  
10 43 commission, a resident or property owner of the  
10 44 commission area proposed to be consolidated may bring  
10 45 an action in district court for declaratory judgment  
10 46 to determine the legality of the proposed charter and  
10 47 to otherwise declare the effect of the charter. The  
10 48 court shall expedite its review and determination in  
10 49 this matter. The referendum on the proposed charter  
10 50 shall be stayed during pendency of the action and for  
11 1 such additional time during which the proposed charter  
11 2 or its enabling legislation does not conform to the  
11 3 Constitution or laws of the State of Iowa. If in its  
11 4 final judgment the court determines that the proposed  
11 5 charter fails to conform to the Constitution or laws  
11 6 of this state, the commission shall have a period of  
11 7 six months in which to revise and resubmit the  
11 8 proposed charter.

11 9 3. All provisions of law authorizing contributions  
11 10 of any kind, in money or otherwise, from the state or  
11 11 federal government to counties and cities shall remain  
11 12 in full force with respect to each city and the county  
11 13 comprising a city-county consolidated local form of  
11 14 government.

11 15 4. The adoption of the city-county consolidated  
11 16 form of government does not alter any right or  
11 17 liability of the county or consolidated city in effect  
11 18 at the time of the election at which the charter was  
11 19 adopted.

11 20 5. All departments and agencies of the county and  
11 21 of each consolidated city shall continue to operate  
11 22 until their authority to operate is superseded by  
11 23 action of the governing body.

11 24 6. Upon the effective date of the adopted charter,  
11 25 the county shall adopt the city-county consolidated  
11 26 form of government by ordinance, and shall file a copy  
11 27 with the secretary of state and maintain available  
11 28 copies for public inspection.

11 29 7. Members of the governing body of the county and  
11 30 of each consolidated city shall continue in office  
11 31 until the members of the governing body of the city-  
11 32 county consolidated form of government have been  
11 33 elected and sworn into office, at which time the  
11 34 offices of the former governing bodies shall be  
11 35 abolished, and the terms of the members of the former  
11 36 governing bodies shall be terminated. During the  
11 37 period between the effective date of the charter and  
11 38 the election and qualification of the elected members  
11 39 of the new governing body, the former governing bodies  
11 40 of each consolidated city and of the county shall  
11 41 continue to perform their duties and shall assist in  
11 42 planning the transition to the city-county  
11 43 consolidated form of government.

11 44 8. If a city-county consolidation charter is  
11 45 submitted to the electorate but is not adopted,  
11 46 another charter shall not be submitted to the  
11 47 electorate for at least two years from the date of the  
11 48 election at which the charter was rejected. If a  
11 49 city-county consolidation charter is adopted, a  
11 50 proposed charter for another alternative form of  
12 1 county government shall not be submitted to the  
12 2 electorate for at least six years from the date of the  
12 3 election at which the charter was adopted.

12 4 Sec. 16. Section 331.250, Code 2003, is amended to  
12 5 read as follows:

12 6 331.250 GENERAL POWERS OF CONSOLIDATED LOCAL  
12 7 GOVERNMENTS.

12 8 The consolidation charter shall provide for the  
12 9 delivery of services to specified areas of the  
12 10 consolidated local government county and of each  
12 11 consolidated city. The governing body of the

12 12 consolidated government shall ~~administer~~ supervise the  
12 13 administration of the provision of services in each of  
12 14 the designated service areas and shall have the  
12 15 authority to determine the boundaries of the service  
12 16 areas. For each service provided by the consolidated  
12 17 government, the consolidated government shall assume  
12 18 the same statutory rights, powers, and duties relating  
12 19 to the provision of the service as if the county or  
12 20 the member city were itself providing the service to  
12 21 its citizens.

12 22 Sec. 17. Section 331.251, Code 2003, is amended to  
12 23 read as follows:

12 24 331.251 RULES, ORDINANCES, AND RESOLUTIONS OF  
12 25 CONSOLIDATED ~~UNIT~~ GOVERNMENT.

12 26 ~~Within two years after ratification of the~~  
12 27 ~~consolidation, the governing body of the consolidated~~  
12 28 ~~unit of local government shall revise, repeal, or~~  
12 29 ~~reaffirm all rules, ordinances, and resolutions in~~  
12 30 ~~force within the participating county and cities at~~  
12 31 ~~the time of consolidation. Each rule, ordinance, or~~  
12 32 ~~resolution in force within a county or within a city~~  
12 33 ~~at the time of consolidation shall remain in force~~  
12 34 ~~within the former geographic jurisdiction that county~~  
12 35 ~~or within that city until superseded by action of the~~  
12 36 ~~new governing body, unless the rule, ordinance, or~~  
12 37 ~~resolution is in conflict with a provision of the~~  
12 38 ~~charter, in which case, the charter provision shall~~  
12 39 ~~supersede the conflicting rule, ordinance, or~~  
12 40 ~~resolution.~~ Ordinances and resolutions relating to  
12 41 public improvements to be paid for in whole or in part  
12 42 by special assessments shall remain in effect until  
12 43 paid in full.

12 44 Sec. 18. Section 331.252, Code 2003, is amended to  
12 45 read as follows:

12 46 331.252 FORM OF BALLOT == CITY=COUNTY  
12 47 CONSOLIDATION.

12 48 The question of city=county consolidation shall be  
12 49 submitted to the electors in substantially the  
12 50 following form:

13 1 ~~Should the corporate existence and governments of~~  
13 2 ~~the county of ..... and the cities of ..... and~~  
13 3 ~~..... be consolidated into one joint city-county~~  
13 4 ~~corporation government charter described below be~~  
13 5 ~~adopted for (insert name of county and each city~~  
13 6 ~~proposing to consolidate)?~~

13 7 ~~If section 331.247, subsection 4, applies, the~~  
13 8 ~~following question shall be placed on the ballot of~~  
13 9 ~~each participating city:~~

13 10 ~~Should the (name of city or second county)~~  
13 11 ~~participate in the consolidation charter?~~

13 12 The ballot must contain a brief description and  
13 13 summary of the proposed charter ~~or amendment.~~

13 14 Sec. 19. Section 331.254, subsection 7, Code 2003,  
13 15 is amended to read as follows:

13 16 7. The merger of the elective offices of each  
13 17 consolidating county with the election of new officers  
13 18 within sixty days after the effective date of the  
13 19 charter which shall specifically provide whether the  
13 20 election of new officers shall be on a partisan or  
13 21 nonpartisan basis, notwithstanding section 331.238,

13 22 subsection 3. The elections shall be conducted by the  
13 23 county commissioner of elections of each county. No  
13 24 primary election shall be held. Nominations shall be  
13 25 made pursuant to section 43.78 and chapters 44 and 45,  
13 26 as applicable, except that the filing deadline shall  
13 27 be forty days before the election.

13 28 Sec. 20. Section 331.260, subsection 2, Code 2003,  
13 29 is amended to read as follows:

13 30 2. A charter proposing a community commonwealth as  
13 31 an alternative form of government may be submitted to  
13 32 the voters only by a commission established under  
13 33 section 331.232. A majority vote by the commission is  
13 34 required for the submission of a charter proposing a  
13 35 community commonwealth as an alternative form of local  
13 36 government. The commission submitting a community  
13 37 commonwealth form of government shall issue a final  
13 38 report and proposal. ~~If an alternative form of~~  
13 39 ~~government for a community commonwealth form of local~~  
13 40 ~~government is proposed, approval of the commonwealth~~  
13 41 ~~charter shall be a separate ballot issue from approval~~  
13 42 ~~of the alternative form of government in those cities~~

~~13 43 proposed to be included in the commonwealth. The~~  
~~13 44 commonwealth charter shall be effective in regard to a~~  
~~13 45 city government only if a majority of the voters of~~  
~~13 46 the city voting on the question voted for~~  
~~13 47 participation in the commonwealth charter. Adoption~~  
~~13 48 of the proposed community commonwealth charter~~  
~~13 49 requires the approval of a majority of the votes cast~~  
~~13 50 in the entire county. A city named on the ballot is~~  
~~14 1 included in the community commonwealth if the proposed~~  
~~14 2 community commonwealth charter is approved by a~~  
~~14 3 majority of the votes cast in the city.~~

14 4 The question of forming a community commonwealth  
14 5 shall be submitted to the electorate in substantially  
14 6 the same ~~form~~ manner as provided in section 331.247,  
14 7 subsection 4, and section 331.252.

14 8 Sec. 21. Section 331.261, subsection 2, Code 2003,  
14 9 is amended to read as follows:

14 10 2. An elective legislative body established in the  
14 11 manner provided for county boards of supervisors under  
14 12 sections 331.201 through 331.216 and section ~~331.238~~  
14 13 331.248, subsection 2.

14 14 Sec. 22. Section 331.261, subsection 11, Code  
14 15 2003, is amended to read as follows:

14 16 11. ~~The partisan~~ Notwithstanding section 331.238,  
14 17 subsection 3, whether the election of community  
14 18 commonwealth government officials shall be on a  
14 19 partisan or nonpartisan basis.

14 20 Sec. 23. Section 331.261, unnumbered paragraph 2,  
14 21 Code 2003, is amended to read as follows:

14 22 The community commonwealth charter may include  
14 23 other provisions which the commission elects to  
14 24 include and which are not inconsistent irreconcilable  
14 25 with state law, including, but not limited to, those  
14 26 provisions in section 331.248, subsection 4.

14 27 Sec. 24. Section 331.262, Code 2003, is amended by  
14 28 adding the following new subsections:

14 29 NEW SUBSECTION. 1A. The adoption of the community  
14 30 commonwealth form of government does not alter any  
14 31 right or liability of the county or member city in  
14 32 effect at the time of the election at which the  
14 33 charter was adopted.

14 34 NEW SUBSECTION. 1B. All departments and agencies  
14 35 of the county and of each member city shall continue  
14 36 to operate until their authority to operate is  
14 37 superseded by action of the governing body.

14 38 NEW SUBSECTION. 1C. All ordinances or resolutions  
14 39 in effect remain effective until amended or repealed,  
14 40 unless they are irreconcilable with the adopted  
14 41 charter.

14 42 NEW SUBSECTION. 1D. Upon the effective date of  
14 43 the adopted charter, the county shall adopt the  
14 44 community commonwealth form of government by  
14 45 ordinance, and shall file a copy with the secretary of  
14 46 state and maintain available copies for public  
14 47 inspection.

14 48 NEW SUBSECTION. 1E. Members of the governing body  
14 49 of the county and of each member city shall continue  
14 50 in office until the members of the governing body of  
15 1 the community commonwealth form of government have  
15 2 been elected and sworn into office, at which time the  
15 3 offices of the former governing bodies shall be  
15 4 abolished, and the terms of the members of the former  
15 5 governing bodies shall be terminated. During the  
15 6 period between the effective date of the charter and  
15 7 the election and qualification of the elected members  
15 8 of the new governing body, the former governing bodies  
15 9 of each member city and of the county shall continue  
15 10 to perform their duties and shall assist in planning  
15 11 the transition to the community commonwealth form of  
15 12 government.

15 13 NEW SUBSECTION. 1F. If a community commonwealth  
15 14 charter is submitted to the electorate but is not  
15 15 adopted, another charter shall not be submitted to the  
15 16 electorate for at least two years from the date of the  
15 17 election at which the charter was rejected. If a  
15 18 community commonwealth charter is adopted, a proposed  
15 19 charter for another alternative form of county  
15 20 government shall not be submitted to the electorate  
15 21 for at least six years from the date of the election  
15 22 at which the charter was adopted.

15 23 Sec. 25. NEW SECTION. 331.264 LOCAL GOVERNMENT

15 24 ORGANIZATION REVIEW COMMITTEE.

15 25 1. A local government organization review  
15 26 committee may be created in a county. The committee  
15 27 shall be composed of the following members:

15 28 a. Three city council members appointed by the  
15 29 city council of each participating city with a  
15 30 population of twenty-five thousand or more.

15 31 b. Three county supervisors appointed by the  
15 32 county board of supervisors.

15 33 c. One city council member appointed by each  
15 34 participating city with a population of less than  
15 35 twenty-five thousand.

15 36 d. One member shall be appointed by each state  
15 37 legislator whose legislative district is located in  
15 38 the county if a majority of the constituents of that  
15 39 legislative district reside in the county. However,  
15 40 if a county does not have a state representative's  
15 41 legislative district which has a majority of a state  
15 42 representative's constituency residing in the county,  
15 43 the state representative having the largest plurality  
15 44 of constituents residing in the county shall appoint a  
15 45 member. The member appointed by each state legislator  
15 46 shall be a person who is not holding elected office  
15 47 and who is a resident of the legislative district of  
15 48 the state legislator. If any portion of a legislative  
15 49 district is in the unincorporated area of the county,  
15 50 the member appointed by that legislator shall be a  
16 1 resident of the unincorporated area of the county.

16 2 e. Three members appointed by the township  
16 3 trustees of all the townships in the county and an  
16 4 additional member appointed by the township trustees  
16 5 for each five percent of the total population of the  
16 6 county residing in the unincorporated area of the  
16 7 county. The members shall be residents of the  
16 8 unincorporated area of the county and shall be persons  
16 9 who are not holding elected office other than that of  
16 10 township trustee. The county auditor shall determine  
16 11 the date and location for a meeting of the township  
16 12 trustees of all the townships in the county at which  
16 13 meeting the appointments shall be made and shall  
16 14 provide written notice of the meeting to the trustees.  
16 15 The meeting shall be held in accordance with chapter  
16 16 21.

16 17 Organization and expenses of the committee are  
16 18 subject to section 331.234 as if the committee were a  
16 19 city-county consolidation or community commonwealth  
16 20 commission. Sections 69.16 and 69.16A shall not apply  
16 21 to the committee. However, a city allowed more than  
16 22 one appointment shall balance its appointments in  
16 23 accordance with sections 69.16 and 69.16A, when  
16 24 possible.

16 25 2. Members shall be appointed to the organization  
16 26 review committee within thirty days after any of the  
16 27 following occurs:

16 28 a. The county board of supervisors and each city  
16 29 council in the county adopt a joint resolution calling  
16 30 for appointment of members to the committee and files  
16 31 the resolution with the county board of supervisors.

16 32 b. The county board of supervisors in a county  
16 33 adopts a resolution calling for appointment of members  
16 34 to the committee.

16 35 c. A petition signed by eligible electors of the  
16 36 county equal in number to at least twenty-five percent  
16 37 of the votes cast in the county for the office of  
16 38 president of the United States or governor at the  
16 39 preceding general election or the signatures of at  
16 40 least ten thousand eligible electors of the county,  
16 41 whichever number is fewer, is filed with the county  
16 42 board of supervisors.

16 43 3. Within seven months after the organization of  
16 44 the organization review committee, the committee shall  
16 45 submit a preliminary report to the county board of  
16 46 supervisors with a recommendation as to what the  
16 47 committee believes to be the best proposal for an  
16 48 alternative form of government for the county. The  
16 49 auditor's office shall make the report available to  
16 50 the public upon request. A summary of the report  
17 1 shall be published in the official newspapers of the  
17 2 county and in a newspaper of general circulation in  
17 3 each participating city.

17 4 4. If the committee report recommends a city=

17 5 county consolidation or community commonwealth, the  
17 6 committee shall continue its existence and be  
17 7 designated, and operate with the powers and duties of,  
17 8 a commission created pursuant to section 331.233A. If  
17 9 the committee report recommends a multicounty  
17 10 consolidation, the committee shall continue its  
17 11 existence and be designated, and operate with the  
17 12 powers and duties of, a commission created pursuant to  
17 13 section 331.233. If the committee recommends an  
17 14 alternative form of government, that recommendation  
17 15 shall state whether elections conducted under that  
17 16 form of government shall be partisan or nonpartisan.

17 17 5. This section does not apply to a county in  
17 18 which a charter commission has been established and is  
17 19 operating as of July 1, 2003.

17 20 Sec. 26. Section 372.1, Code 2003, is amended by  
17 21 adding the following new subsections:

17 22 NEW SUBSECTION. 7. City=county consolidated form  
17 23 as provided in sections 331.247 through 331.252.

17 24 NEW SUBSECTION. 8. Community commonwealth as  
17 25 provided in sections 331.260 through 331.263.

17 26 Sec. 27. Section 372.2, unnumbered paragraph 1,  
17 27 Code 2003, is amended to read as follows:

17 28 ~~\* Unless otherwise provided by law, a city may~~  
17 29 adopt a different form of government not more often  
17 30 than once in a six-year period. A different form,  
17 31 other than a home rule charter, ~~or~~ special charter,  
17 32 city=county consolidated form of government, or  
17 33 community commonwealth must be adopted as follows:

17 34 Sec. 28. IMPLEMENTATION OF ACT. Section 25B.2,  
17 35 subsection 3, shall not apply to this Act.

17 36 Sec. 29. EFFECTIVE AND APPLICABILITY DATES. This  
17 37 Act, being deemed of immediate importance, takes  
17 38 effect upon enactment and applies to charter  
17 39 commissions in existence on the effective date of this  
17 40 Act.>

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